

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

SARAH A. TALLEY, )  
                        )  
Plaintiff,           )  
                        )      **No. 3:10-cv-01217**  
v.                    )  
                        )  
CAROLYN W. COLVIN, )      **Judge Nixon**  
Commissioner of Social Security, )      **Magistrate Judge Griffin**  
                        )  
Defendant.           )

**ORDER**

Pending before the Court is Plaintiff Sarah A. Talley's Application for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("Motion") (Doc. No. 25), filed with a Memorandum in Support (Doc. No. 26), a supporting affidavit (Doc. No. 27) and four exhibits (Doc. Nos. 26-1 to 26-2; 27-1 to 27-2). Plaintiff's counsel seeks \$4,240.03 in attorney's fees, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (d)(1)(A). (Doc. No. 26 at 1.) Defendant Commissioner of Social Security filed a Response to the Motion, stating she has no objection to Plaintiff's request. (Doc. No. 28.)

Under the EAJA, a prevailing party in litigation against the United States may seek attorney's fees, so long as the party files for the fees within thirty days of the final judgment. 28 U.S.C. § 2412(d)(1)(A)–(B) (2012). In social security cases, a sentence of remand to the Commissioner by the court constitutes a victory for the plaintiff, such that he or she may seek attorney's fees under the EAJA. *Shalala v. Schaefer*, 509 U.S. 292, 301 (1993).

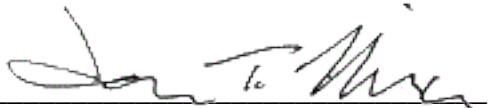
Here, on January 4, 2014, the Court reversed a decision of the Administrative Law Judge denying benefits to Plaintiff and remanded the case to the Commissioner for further proceedings. (Doc. No. 23.) Plaintiff then filed the instant Motion on January 30, 2014. (Doc. No. 25.)

Plaintiff's attorney requests \$4,240.03 in fees, based on 23.50 hours of work at rates of \$175.66 to \$187.10 per hour. (Doc. No. 27 at 3.) The Commissioner does not object to the award and states that the award will be paid to Plaintiff's attorney, subject to any applicable offsets for pre-existing debt Plaintiff owes the Government. (Doc. No. 28 at 1.)

The Court finds that \$4,240.03 is a reasonable award for the work performed by Plaintiff's counsel. Accordingly, the Motion (Doc. No. 25) is **GRANTED**.

It is so ORDERED.

Entered this the 28th day of March, 2014.



JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT